

**ZONING BOARD OF APPEALS  
STAFF REPORT – MARCH 11, 2015**

Rm

Agenda Item No. 7

**CASE NO. BAC-19-15: VARIANCE**

**Applicant & Owner:** TERRY M. ELSTON

District: C/Jenkins

**Location:** 6800 Querbes Drive (North side of E. 70<sup>th</sup> St. btwn Querbes Dr. & Gilbert Dr.)

**Existing Zoning:** R-1D

**Requested Use:** Variance in Fence Height in the Front, Side and Rear Yard Setback

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**GENERAL INFORMATION:**

- The applicant is requesting a variance in the height of a site obstructing fence (wall) within the front, side and rear yard setback. The wall has been partially erected on the property.
  - Per Section 106-1179 Fences and Walls, no site obstructing fence, wall, hedge, or planting (except trees), shall be erected, altered, placed or maintained in a required front yard setback that exceeds a height of 3'. A non-sight obstructing fence (chain-link, for example), which does not exceed six feet in height, may be erected in the front yard setback. Also per the ordinance, no fence (including chain-link), wall, hedge, or planting (except trees), shall be erected, altered, placed, or maintained in any side or rear yard to exceed a height of eight feet; except in the case of a reverse corner lot, in which case no fence, wall, hedge, or planting, exceeding 3' in height, shall be erected, altered, placed or maintained in the first 15' directly behind the side street property line. A non-sight –obstructing chain-link fence, not exceeding 6' in height, may be erected in the required side yard.
  - The front yard setback in R-1D is 30'.
  - The property is surrounded by R-1D single family residences.
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**SITE CONSIDERATIONS:**

- Site consist of 1.93 acres of property with frontage on Querbes, East 70<sup>th</sup> and Gilbert.
  - The front entrance to the property is shown at Querbes with the plat showing a 50' building setback and 55' side yard. Typical setbacks in an R-1D District are front yard 30' and rear 15'.
  - The submitted plan shows a wall within the front and side yard setback, but does not note the type of construction and height of the wall. Only after staff visited the site were these factors determined. To date the applicant has not provided a revised site plan or elevation drawings, as requested by MPC staff.
  - Site triangulations at the intersection of both Querbes and Gilbert could pose a safety hazard with east and west bound traffic.
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**MASTER PLAN CONSIDERATIONS:**

- Master Plan Section 12 Future Land Use, Zoning and Urban Design, designates this site as inside the loop Residential Low.
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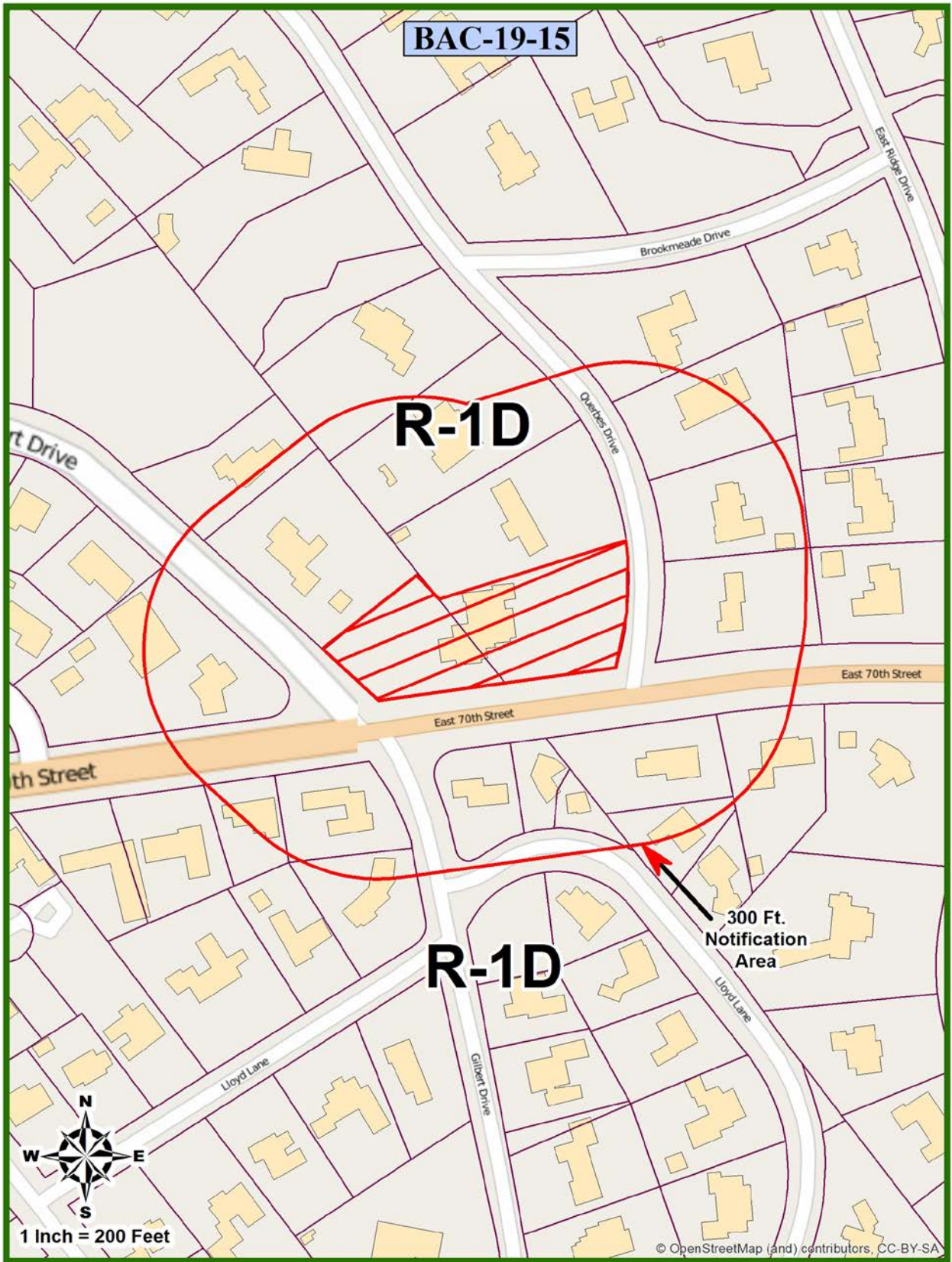
**STAFF RECOMMENDATIONS:**

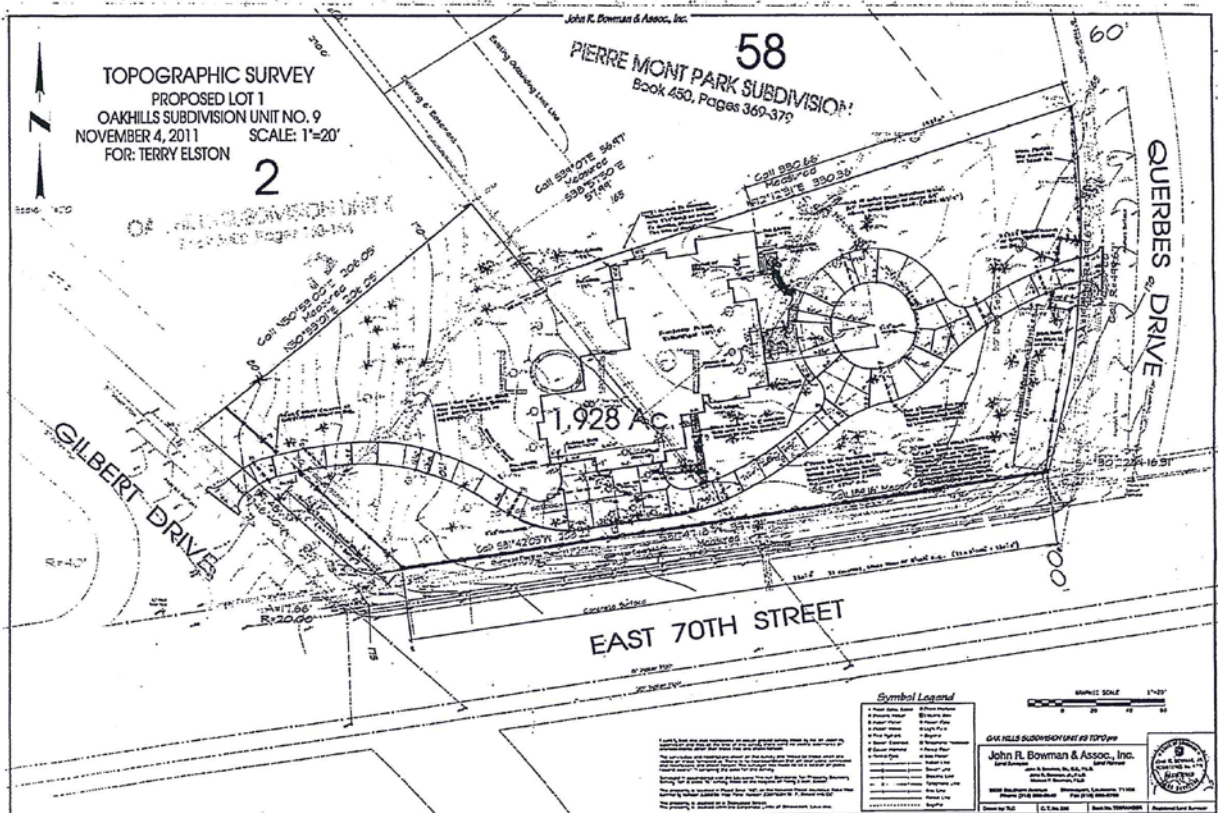
**This application does not meet the ZBA criteria to grant a variance i.e.; narrowness, shallowness, shape or exceptional topographic conditions of the property, which create a peculiar and exceptional or undue hardship for the owner. Likewise, not having a clear assessment of the site triangulation issue, and the fact that the applicant can effectively reduce the height on the existing portion of the wall and construct the remaining portion in accordance with the ordinance, leads the staff to recommend denial of this variance request.**

The information stated herein is the result of discussion by a staff review team. The Board members will use all information made available to them in making their decision.

A Zoning Board of Appeals approval is a use approval only. The applicant is still responsible for complying with all other applicable Zoning Ordinance requirements and obtaining all necessary permits and approvals from other departments or agencies. This shall include, but not be limited to the requirements of the Zoning Administrator, building permits, liquor licenses, the parish health unit, and Certificates of Occupancy.

Special Exception Use approvals expire within 1 year if the property is not developed for the approved use.





BAC- 19 '15



BAC- 79 '75

